

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested. Claims 1-17 are pending in this application.

At the outset, Applicants note with appreciation the Examiner's willingness to discuss the present application with Applicants' representative in a personal interview.

In the Office Action, Claims 1, 2, 4, 6, 7, 9, 11, 12, 15, and 16 were rejected under 35 U.S.C. § 103(a) as unpatentable over International Publication No. WO 98/34203 (hereinafter "WO '203") in view of Forslund et al. (U.S. Patent No. 6,250,557; hereinafter "Forslund"). Claims 3, 8, and 13 were rejected under 35 U.S.C. § 103(a) as unpatentable over WO '203 in view of Forslund in view of Official Notice. Claims 5, 10, 14, and 17 were rejected under 35 U.S.C. §103(a) as unpatentable over WO '203 in view of Forslund as applied to Claims 1, 6, 11, and 15, and further in view of Maes et al. (U.S. Patent No. 6,016,476).

At the personal interview, Applicants' representative presented arguments that the combination of WO '203 and Forslund fails to teach or suggest all of the features of the independent Claims 1, 6, 11, and 15. In response, the Examiner indicated that the art of record appears to be overcome by these arguments, but that further consideration would need to be given to the matter.

Specifically, the combination of WO '203 and Forslund fails teach or suggest the concept of transmitting a transaction identification including terminal identification from a terminal to a mobile device and then transmitting the transaction identification back to the terminal from the mobile device. This concept is encompassed in varying scope by independent Claims 1, 6, 11, and 15.

For example, Claim 1 recites that "the payment terminal, during determination of the transaction identification, adds a payment terminal identification to the transaction

identification” or that “the mobile device transmits, via a first contactless device interface, the transaction identification entered by the customer to the payment terminal identified by the payment terminal identification.” In contrast to Applicants’ claimed combinations, WO ‘203 does not disclose the transmitting of transaction identification including a payment terminal identification. This deficiency with regards to Applicants’ claims is readily understandable, as the method disclosed in WO ‘203 involves a transaction where the cashier register 414 and the mobile unit 412 are the only devices available for performing a transaction (Figure 8). For example, because the mobile unit 412 can only communicate with the cashier register 414, and not with any other cashier registers, the establishment of device identities is unnecessary.

Forslund fails to remedy the deficiencies of WO ‘203 with respect to the pending claims. Forslund discloses a method for making a purchase from a remote vendor by using a smart card wallet and mobile telephone (from col. 4, line 51, to col. 5, line 44), but fails to disclose the transmitting of transaction identification including a payment terminal identification. As the transaction described in Forslund does not involve direct communication between a mobile device and a specific payment terminal, there would be no need for a vendor to transmit transaction identification including a payment terminal identification to the mobile device.

Therefore, for the reasons discussed above and during the personal interview, Applicants respectfully submit that Claims 1, 6, 11, and 15 are patentable over WO ‘203 and Forslund. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections of Claims 1, 6, 11, and 15 under 35 U.S.C. §103(a). Moreover, Applicants submits that claims dependent from these independent claims are also patentable over the cited art for at least the same reasons.

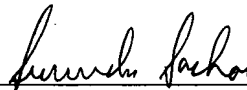
Application No. 09/701,288
Reply to Office Action of August 25, 2003

Further, regarding the rejection of Claims 3, 8, and 13 under 35 U.S.C. §103(a), Applicants respectfully traverse the application of "Official Notice" in the rejection. Specifically, Applicants respectfully submit that the transmitting of power between two communication devices when initial contact is not established may not have been "old and well known" to an ordinarily-skilled artisan at the time of Applicants' invention. Applicants respectfully request the production of a published document in support of this assertion, if the rejection or a similar rejection is maintained in the next Official Action.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/03)

Surinder Sachar
Registration No. 34,423

GJM/SNS/CHY:pch
I:\ATTY\CHY\236083us\236083 RESP TO OA25AUG03.doc